

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

LIQUID FUEL EMERGENCY AMENDMENT BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Resources and Energy,
Senator The Hon. Gareth Evans)

LIQUID FUEL EMERGENCY AMENDMENT BILL 1987

GENERAL OUTLINE

1. The Bill will amend the Liquid Fuel Emergency Act 1984 by removing the provision for automatic expiration of the Act on 27 March 1987.
2. At present the Liquid Fuel Emergency Act 1984 will, under the provisions of sub-Section 54(1), cease to be in force on the date 3 years after the commencement of the Act unless a period of national liquid fuel supply emergency is in existence at that date, in which case the Act will cease to be in force when the emergency period ends.
3. This "sunset" provision was included in the Liquid Fuel Emergency Act 1984 to meet the concern of some States that the Commonwealth's legislation would not be wholly consistent with their own emergency management arrangements, and gave the Liquid Fuel Emergency Act 1984 a specific time-frame while the Commonwealth, the States and the Northern Territory explored the prospective development of appropriate, mutually compatible, alternative legislation.
4. Differences amongst the States on the nature and extent of the powers they require to deal with liquid fuel emergencies have indicated that common-form legislation is not practicable at this time.
5. The extension of the Liquid Fuel Emergency Act 1984 by this amendment will provide the continuation of legislated authority to prepare against and manage a national liquid fuel supply emergency.

6. It is essential that clear legislative authority exist for the Commonwealth to act in the event of a national emergency. State and Northern Territory Energy Ministers have indicated their willingness to act under delegated powers from the Commonwealth to manage national emergencies.

FINANCIAL IMPACT STATEMENT

7. The proposal put forward in the Bill will have no impact on Government expenditure.

NOTES ON INDIVIDUAL CLAUSES

Clause 1: Short title

Clause 2: Commencement

8. Clause 2 provides that the amending provision, which extends the life of the Liquid Fuel Emergency Act 1984, will come into effect on the day on which the Act receives the Royal Assent.

Clause 3: Repeal of Section 54

9. Clause 3 repeals Section 54 of the Liquid Fuel Emergency Act 1984 which would otherwise cease to be in force on 27 March 1987 or, if a national liquid fuel emergency exists at that time, at the end of the emergency. The repeal of Section 54 will extend indefinitely the life of the Liquid Fuel Emergency Act.